



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Karen M. SLIMAK

Group Art Unit: 1655

Serial No.: 10/682,546

Examiner: R. Winston

Filed: October 10, 2003

Confirmation No.: 9719

For: USE OF TROPICAL ROOT CROPS IN EFFECTIVE INTERVENTION STRATEGIES
FOR TREATING DIFFICULT AND COMPLEX CASES AND CHRONIC DISEASES

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Responsive to the Office Action mailed July 28, 2005, setting forth an election of species for a single tropical root crop (see claims 10 and 12); a single symptom or condition from claim 14; or a single symptom or condition from claim 19, Applicant elects "Aroid" for claims 10 and 12; "seizures" for claim 14; and "non-verbal autistic child" for claim 19. It is understood that claims 1-7, 9, 13, and 15-18 are generic. Claims 10-12 are readable on the "Aroid," claim 14 is readable on the elected "seizures" and claim 19 is readable on the elected "non-verbal autistic child."

This election is made with traverse since it appears that a search of the subject matter of the elected invention would, of necessity, overlap the search area of the non-elected invention. Thus, adherence to the requirement would chiefly result in unnecessary work for the PTO in processing separate divisional application(s); unnecessary expense for the applicant in filing it

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Response to Restriction Requirement

and unnecessary inconvenience to the public in looking in two separate places for closely related subject matters.

It is noted that MPEP 803 states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Furthermore, as this application contains generic claims, on the allowance of a generic claim, additional species must also be examined in a single application.

In view of the foregoing, it is submitted that the Election Requirement should be withdrawn.

Respectfully submitted,



TPP/mat
Attorney Docket No.: TPP 31413DIV

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